

## **REMARKS**

This application has been carefully considered in connection with the Examiner's Office Action dated April 15, 2008.

By the Office Action of April 15, 2008, the Examiner rejected Claims 1-12 on various grounds discussed below.

### **Summary of Rejections**

Claims 1-12 were pending at the time of the Office Action.

Claims 9, 10 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Frailong et al., US Patent 6,012,100 (hereinafter "Frailong").

Claims 1 and 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frailong in view of Fletcher et al., US Patent 6,009,274 (hereinafter "Fletcher").

Claims 2-5 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frailong in view of Fletcher and further in view of Sandahl et al., US Patent 6,098,098.

Claim 8 has been rejected as being unpatentable over Lenz, U.S. Patent No. 6,029,196 (hereinafter "Lenz") in view of Fletcher and further in view of Kaplan, et al., U.S. patent No. 6,141,339 (hereinafter "Kaplan"). As claim 8 depends from claim 1, Applicants presume that all of the mentions of Lenz in the rejection of claim 8 were merely typographical errors and should be interpreted as reciting Frailong instead.

### **Summary of Response**

Claims 1-3 and 9 are amended.

Claims 4-8 and 10 remain in original format.

Claims 11-12 have previously been presented.

Claims 13-20 are new.

The Applicants traverse the rejections and request reconsideration. Remarks and Arguments are provided below.

### **Summary of Claims Pending**

Claims 1-20 are currently pending following this response.

### **Response to Rejections under 35 U.S.C. § 102**

According to MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

#### **Claim 9:**

In the Office Action dated April 15, 2008, Claim 9 was rejected under 35 U.S.C. § 102(b) as being anticipated by Frailong.

I. Frailong does not expressly or inherently describe a plurality of functional program modules with each of the functional program modules having a check function.

As amended, Claim 9 recites, “a microprocessor having a plurality of functional program modules ..., each of the functional modules ... having a check function, ...

wherein the check function for each of the functional modules determines whether any parameters in the new configuration file which affect the functional module have been changed, for each parameter that has been changed the check function determines whether the parameter can be updated dynamically, and the check function reports to the configuration update module whether all of the parameters that have been changed can be updated dynamically.” Applicants respectfully submit that no new matter was introduced by this amendment. Support may be found throughout the specification as originally filed, including paragraph 0037.

The Office Action relied on disclosure of element 506 in Figure 7 of Frailong to read on the limitation of “a microprocessor having a plurality of functional program modules ..., each of the functional modules ... having a check function and an update function.” Applicants note that element 506 is disclosed by Frailong to be a configuration manger 506 which is part of the runtime layer 406 of system software 400 that is contained and executed by the gateway interface device 208 (Frailong: col. 7, lines 29-34; column 8, line 19). For a clear understanding of the configuration manager 506, Applicants respectfully note the disclosure in column 8, lines 19-44 of Frailong, reproduced below:

Runtime layer 406 contains a configuration manager 506 which is an API operating through a remote procedure call (RPC) protocol to communicate commands between the user interface 502 and network services 512. Configuration manager 506 is connected to data store 508 which serves as a database for configuration and system data. Configuration manager 506 communicates to services 512 through services managers 510. One service manager is provided within runtime 406 for each service available to user interface 502. The service managers provide a consistent interface to the various network services. ... Each service manager allows a user, through a user interface, to perform certain service functions, such as bring down the service, reconfigure the service, and bring the service back up. ... The configuration manager 506 provides an external API which

facilitates communication with other programs on the gateway interface device 208, such as user interface 502. (Underlining Added)

According to the disclosure of Frailong, the configuration manager 506 is not a microprocessor having a plurality of functional program modules, as claimed. Rather, the configuration manager 506 is a software API operating on the gateway interface device 208. Accordingly, Frailong does not expressly or inherently describe a microprocessor having a plurality of functional program modules, as claimed.

Also, Frailong does not expressly or inherently describe that each of the functional program modules has a check function. Applicants respectfully submit that the configuration manager 506 does not have any check function, let alone that “the check function for each of the functional modules determines whether any parameters in the new configuration file which affect the functional module have been changed, for each parameter that has been changed the check function determines whether the parameter can be updated dynamically, and the check function reports to the configuration update module whether all of the parameters that have been changed can be updated dynamically,” as currently recited in amended Claim 9.

Further, Frailong does not expressly or inherently describe that each of the functional program modules has an update function. Applicants respectfully submit that the configuration manager 506 does not have any update function.

Accordingly, Frailong does not expressly or inherently describe a plurality of functional program modules with each of the functional program modules having a check function.

II. Frailong does not expressly or inherently describe a configuration update manager adapted to call the check function and the update function in each functional module.

Amended Claim 9 recites, “a configuration update module adapted to receive a new configuration file over the wide area network connection while the microprocessor is in a running state, to store the new configuration file in memory, and to call the check function and the update function in each of the functional modules.”

As noted in the arguments of section I above, Frailong does not expressly or inherently describe a plurality of functional program modules, or that each of the functional program modules has a check function. Accordingly, Frailong also does not disclose a configuration update module adapted to call the check function in each functional module.

The Office Action relied on disclosure of element 406 in Figure 5 of Frailong to read on the limitation of the claimed configuration update module. Applicants note that element 406 of Figure 5 is disclosed by Frailong to be the runtime layer or runtime section of the gateway interface device system software 400. As shown in Figure 5 of Frailong the runtime layer 406 includes the configuration manager 506 discussed above. Applicants respectfully submit that none of the software components of the runtime layer 406 are expressly or inherently disclosed to be adapted to call the check function **and** the update function in **each** of the functional modules, as claimed.

Accordingly, Frailong does not expressly or inherently describe a configuration update manager adapted to call the check function and the update function in each functional module.

III. Frailong does not expressly or inherently describe a plurality of functional program modules operating with parameters contained in the configuration file and each of the functional modules locally storing configuration parameters which affect its operations.

Amended Claim 9 recites, “a microprocessor having a plurality of functional program modules operating with parameters contained in the configuration file, each of the functional modules locally storing configuration file parameters which affect its operations.”

The Office Action relied on the configuration manager 506 of Frailong to read on the limitations of the claimed microprocessor. As noted above in the arguments of section I, the configuration manager 506 is not a plurality of functional program modules. While the configuration manager 506 may operate with parameters contained in the data store 508, Frailong does not provide any express or inherent disclosure that the configuration manger 506 locally stores configuration parameters which affect its operations. Applicants further submit that none of the software components of the gateway interface device system software 400 locally store configuration parameters which affect their operations.

Accordingly, Frailong does not expressly or inherently describe a plurality of functional program modules operating with parameters contained in the configuration file and each of the functional modules locally storing configuration parameters which affect its operations.

For at least the reasons established above in sections I-III, Applicants respectfully submit that independent claim 9 is not anticipated by Frailong and respectfully request allowance of this claim.

**Claims Depending From Claim 9:**

New claims 16-20 have been added by this amendment. Applicants respectfully submit that no new matter has been introduced by these claims. Support may be found throughout the specification as originally filed, including paragraphs 0036-0041.

Dependent claims 16-20 depend directly or indirectly from independent claim 9 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-III above, Applicants respectfully submits that claims 16-20 are not anticipated by Frailong and respectfully requests allowance of these claims.

**Claim 10:**

In the Office Action dated April 15, 2008, Claim 10 was rejected under 35 U.S.C. § 102(b) as being anticipated by Frailong.

IV. Frailong does not expressly or inherently describe the claimed means for comparing.

Claim 10 recites, “means for comparing parameters controlling operation of the customer premises telecommunications hub to parameters contained in the new configuration file and identifying parameters which are different.” Applicants note that “the new configuration file” refers to the configuration file recited in conjunction with the

“means for receiving a new configuration file.” Accordingly, the new configuration file is the configuration file that has been received from said configuration file server.

The Office Action relied on column 2, lines 41-47 of Frailong to read on these limitations. Column 2, lines 41-17 of Frailong is reproduced below:

The network interface device also contains a configuration database which stores data and parameters related to the configuration of the network interface device. Through the use of the configuration database and the resident application program interfaces, the remote server is able to automatically upgrade or reconfigure the network interface device without user intervention.

Applicants note that Frailong does not expressly or inherently describe any comparison in the cited section. Also, Applicants note that a search for the string “compar” in Frailong did not produce any results. Further, Applicants note that the cited section of Frailong refers to the remote server 206 (Frailong: column 5, lines 18-34) or the remote server 504 (Frailong: column 9, line 66 - column 10, line 12), and the ability for the remote server to provide configuration information and upgrade parameters to the network interface device by making changes to the data store 508. Frailong discloses an example of configuring the gateway interface device in column 8, lines 44-61, reproduced below:

All of the network services provided by the gateway interface device 208 are represented by data structures in data store 508 which interface to the services 512 through the configuration manager 506. Through the implementation of the configuration manager and service managers as API's, a consistent communication interface to network services is provided. Thus, turning on a particular service simply requires accessing configuration manager 506 and setting a value in a particular data location. For example, to enable web publishing, the user could select an enabling option button in the user interface 502. User interface 502 then sets the appropriate parameter in the data store 508 to "on". This, in turn, enables the gateway interface device policy for web publishing. As parameters in the data store are changed in this manner, the service



managers are notified of these changes in order to maintain currency with available services.

Frailong further discloses in column 9, lines 49-51 that subsequent to performing checks on any request to modify parameters in the data store 508, "If however, in step 624, it is determine that the change is allowed by the service manager, the values are written to data store 508 and the transaction is committed, step 628." Accordingly, it is clear that the cited portion of Frailong is merely disclosure of a remote server performing transactions with a data store maintained by the gateway interface device. In fact, Frailong explicitly discloses in column 17, lines 52-56, "The reconfiguration notification basically comprises operations instructing the addition or deletion of parameter entries within the data store. Therefore, the reconfiguration notification essentially consists of data store operations."

Accordingly, Applicants respectfully submit that Frailong does not provide any explicit or inherent description of a means for comparing parameters controlling operation of the customer premises telecommunications hub to parameters contained in the new configuration file and identifying parameters which are different, as claimed.

V. Frailong does not expressly or inherently describe the claimed means for identifying and the claimed means for dynamically updating.

Claim 10 recites, "means for identifying parameters which can be changed dynamically." Claim 10 further recites, "means for, if all parameters which are different can be changed dynamically, dynamically updating parameters to those contained in the new configuration file."

The Office Action relied on column 2, lines 45-47 and column 5, lines 24-34 of Frailong to read on these limitations. Column 5, lines 24-34 discloses in part, "Remote management server 206 interacts with gateway interface device 208 to provide configuration information and upgrade parameters required by the gateway interface device 208." Column 2, lines 45-47 of Frailong disclose, "Through the use of the configuration database and the resident application program interfaces, the remote server is able to **automatically** upgrade or reconfigure the network interface device **without user intervention**" (Emphasis Added). Applicants respectfully submit that automatically upgrading or reconfiguring the network interface device is not the same as **dynamically** upgrading or reconfiguring the network interface device. As noted in the cited portion of Frailong, automatic upgrades or reconfigurations are those that are performed without user intervention. In contrast, dynamically changing parameters refers to being able to change the parameters without rebooting the customer premises telecommunications hub. The last sentence in paragraph 0034 of the pending specification discloses, "In the present invention, configuration parameters are updated remotely, and if possible, dynamically, i.e. without rebooting the system." In contrast, Frailong discloses in column 16, lines 24-26, "Once the gateway interface device has executed the upgrade, it performs a reboot so that it boots up in the upgraded state."

Further, even if Frailong disclosed changing parameters dynamically, which it does not, Frailong does not provide any explicit or inherent description of performing a **determination** of **which** parameters can be changed dynamically and **only** updating the parameters dynamically if **all** of the different parameters can be changed dynamically, as claimed.

Accordingly, Frailong does not expressly or inherently describe the claimed means for identifying parameters which can be changed dynamically.

For at least the reasons established above in sections IV-V, Applicants respectfully submit that independent claim 10 is not anticipated by Frailong and respectfully request allowance of this claim.

**Claims Depending From Claim 10:**

In the Office Action dated April 15, 2008, Claim 12 was rejected under 35 U.S.C. § 102(b) as being anticipated by Frailong.

Dependent claim 12 depends directly or indirectly from independent claim 10 and incorporates all of the limitations thereof. Accordingly, for at least the reasons established in sections IV and V above, Applicants respectfully submits that claim 12 is not anticipated by Frailong and respectfully requests allowance of this claim.

*Claim 12:*

VI. Frailong does not expressly or inherently describe dynamically updating parameters only when the customer premises telecommunications hub is in idle state.

Claim 12 recites, “means for dynamically updating parameters to those contained in the new configuration file only when the customer premises telecommunications hub is in idle state.”

The Office Action relied on column 2, lines 45-47 and column 5, lines 24-34 of Frailong to read on these limitations. Applicants respectfully refer to the discussion above in the cited portions of Frailong. Applicants respectfully submit that the cited portions of Frailong do not provide any express or inherent description of **only** updating

parameters when the customer premises telecommunications hub is in **idle** state. A search for the string “idle” in Frailong did not produce any results.

Accordingly, Frailong does not expressly or inherently describe dynamically updating parameters only when the customer premises telecommunications hub is in idle state.

In addition to the reasons established above in sections IV and V, for at least the reasons established above in section VI, Applicants respectfully submit that dependent claim 12 is not anticipated by Frailong and respectfully request allowance of this claim.

### **Response to Rejections under 35 U.S.C. § 103**

As noted by the United States Supreme Court in *Graham v. John Deere Co. of Kansas City*, an obviousness determination begins with a finding that **“the prior art as a whole in one form or another contains all” of the elements of the claimed invention**. See *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 22 (U.S. 1966).

#### **Claim 1:**

In the Office Action dated April 15, 2008, Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Frailong in view of Fletcher.

Claim 1 includes limitations similar to those discussed above in the arguments of sections IV and V. For example, Claim 1 recites, “identifying, by said customer premises telecommunications hub, parameters in the new configuration file which are different than existing configuration parameters stored in said customer premises telecommunications hub.” Claim 1 also recites, “determining, by said customer premises telecommunications hub, whether all of the parameters in the new

configuration file which are different can be changed dynamically.” Claim 1 further recites, “updating all of the existing configuration parameters stored in said customer premises telecommunications hub to the parameters in the new configuration file which are different without rebooting said customer premises telecommunications hub when all of the parameters in the new configuration file which are different can be dynamically changed.” Accordingly, the arguments of sections IV and VI are repeated for Claim 1. Applicants respectfully submit that Fletcher does not cure the deficiencies of Frailong noted above.

For at least the reasons established above in sections IV-V, Applicants respectfully submit that independent claim 1 is not taught or suggested by Frailong in view of Fletcher and respectfully request allowance of this claim.

#### **Claims Depending From Claim 1:**

In the Office Action dated April 15, 2008, Claims 2-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frailong in view of Fletcher and further in view of Sandahl. Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frailong in view of Fletcher. Claim 8 has been rejected as being unpatentable over Frailong in view of Fletcher and further in view of Kaplan.

Dependent claims 2-8 depend directly or indirectly from independent claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections IV and V above, Applicants respectfully submits that claims 2-5 are not taught or suggested by Frailong in view of Fletcher, Sandahl, and/or Kaplan and respectfully requests allowance of this claim. Applicants respectfully submit that none

of Fletcher, Sandahl, or Kaplan alone or in combination cure the deficiencies of Frailong noted above.

**Claims Depending From Claim 10:**

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Frailong in view of Fletcher and further in view of Sandahl.

Dependent claim 11 depends directly or indirectly from independent claim 10 and incorporates all of the limitations thereof. Accordingly, for at least the reasons established in sections IV and V above, Applicants respectfully submits that claim 11 is not taught or suggested by Frailong in view of Fletcher in further view of Sandahl and respectfully requests allowance of this claim. Applicants respectfully submit that neither Fletcher nor Sandahl alone or in combination cure the deficiencies of Frailong noted above.

### CONCLUSION

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

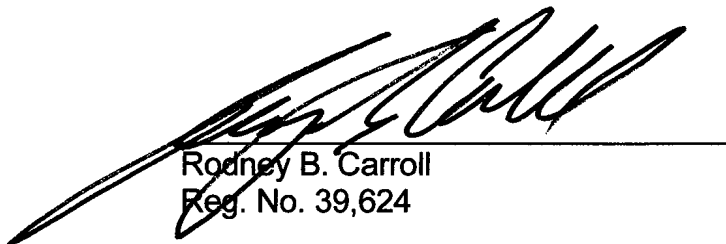
Applicants respectfully submit that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Rodney B. Carroll', is written over a horizontal line.

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